

# Procure-to-Pay Capability Summary

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**SUBJECT:** Protest Tracker Tool

**BACKGROUND:** Currently, unsuccessful offerors on government opportunities may file a protest with the Government Accountability Office (GAO) and, if the protest is denied, at the Court of Federal Claims (CoFC). In 2017, the National Defense Authorization Act (NDAA) required a comprehensive study on the prevalence and impact of bid protests on Department of Defense (DoD) acquisitions. The resulting study found evidence that the number of cases that were sent to both tribunals was rising, thus potentially extending the lead times for DoD procurements, but indicated that further data needed to be collected to validate this trend. The 2019 NDAA required DoD to collect data and provide a study on such protests, and to establish a tool that would collect and report on this data on an ongoing basis. To meet this requirement, the DoD has created the Protest Tracker Tool. This application, hosted on the Procurement Integrated Enterprise Environment, allows contracting officers and other procurement personnel to enter the needed data, and provides reporting to support ongoing analysis and study.

**POLICY:** The 2019 NDAA Section 822 required DoD to study the frequency and effects of bid protests that have been filed at both the GAO and the CoFC. Establishment of a data repository that enables ongoing collection of this and any related relevant bid protest data will allow assessment and review of this data over time.

**DATA:** The NDAA identified the required data, to include: 1) the number of protests that have been filed with both tribunals and their results; 2) the number of such protests where the tribunals differed in outcome; 3) the length of time from initial filing at the GAO to decision in the CoFC, from filing to decision in each tribunal, from the time at which the basis of protest is known to the time of filing in each tribunal, and, in the case of an appeal from a decision of the CoFC, from the date of the initial filing of the appeal to decision in the appeal; 4) the number of protests where performance was stayed or enjoined and for how long; 5) whether performance was obtained through another source or went unfilled while waiting for a protest resolution; 6) the impact of the protest in terms of stayed performance or monetary damages; 7) whether the business was large or small; and 8) whether the protestor was the incumbent. The Protest Tracker Tool captures these as discrete data elements, enabling reporting.

**INFORMATION TECHNOLOGY INFRASTRUCTURE:** The Protest Tracker Tool is deployed as an application on at PIEE (<https://wawf.eb.mil/piee-landing/>). Contracting Officers and Specialists with PIEE accounts automatically have access to the database; other users may request access. More information on using the database is posted at the Procurement Toolbox (<https://dodprocurementtoolbox.com/site-pages/protest-tracker>).

**IMPACT:** The Protest Tracker will provide aggregated data about bid protests, enabling the DoD to understand procurement timeline impacts.

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